

Remarks

[0002] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11 and 13-23 are presently pending. Claims amended herein are 2, 5-7, 9-10, 14, 20, and 23. Claims withdrawn or cancelled herein is claim 12. New claims added herein are none.

§ 131 Declaration

[0004] Forthwith, Applicant will be submitting an updated § 131 declaration since the previously submitted one was considered insufficient by the Examiner.

Substantive Matters

Claim Rejections under § 112

[0005] Claims 2, 7, 9, 20, and 23 are rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 102

[0006] Claims 1-11 and 13-23 are rejected under 35 U.S.C. § 102. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

[0007] These rejections are based upon U.S. Publication No. US2004/0243543 to Jeffrey Snover (hereinafter, the "Snover Publication"). Submitted forthwith, will be a declaration under 37 C.F.R. §1.131. It will declare that the claimed invention was conceived prior to May 12, 2003, the effective filing date of the Snover Publication.

[0008] In light of this to-be-submitted updated § 131 declaration, Applicant submits that these § 102 rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Dependent Claims

[0009] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0010] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 10/29/07

By: 

Kasey C. Christie
Reg. No. 40559
(509) 324-9256 x232
kasey@leehayes.com
www.leehayes.com

My Assistant: Carly Bokarica
(509) 324-9256 x264
carly@leehayes.com